

Chapter 1

INTRODUCTION

LEGISLATION (FLORIDA FOREVER AND COMPREHENSIVE EVERGLADES RESTORATION PLAN)

Florida Forever Program

In 1999, the Florida Forever program was created, which authorized the issuance of bonds in an amount not to exceed \$3 billion for acquisitions of land and water areas. This revenue is to be used for the purposes of restoration, conservation, recreation, water resource development, historical preservation and capital improvements to such land and water areas. This program is intended to accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals and facilitate water resource development.

In addition, the legislation sets forth the criteria for the water management districts to evaluate and recommend projects and financial assistance funding programs to local governments. The provision also provides rulemaking authority to the Florida Department of Environmental Protection (FDEP) and the water management districts for implementation of the Florida Forever Act.

The Florida Forever Act

The Florida Forever Act was created in Section (s.) 259.105, Florida Statutes (F.S.). The Act provides that bond proceeds are to be distributed annually as follows:

- 35 percent (\$105 million) to the FDEP for land acquisition and capital expenditures in order to implement the priority lists submitted by the water management districts. A minimum of 50 percent of these funds shall be used for the land acquisitions.
- 35 percent (\$105 million) to the FDEP for land acquisition and capital expenditures pursuant to this section. Of these proceeds, a priority is to be given to acquisitions that achieve a combination of conservation goals including protecting Florida's water resources and natural groundwater recharge. Capital expenditures are not to exceed 10 percent of these funds.
- 22 percent (\$72 million) to the Florida Department of Community Affairs (FDCA), to provide grants to local governments through the Florida Communities Trust. From these funds, 8 percent are to be transferred annually to the Land Acquisition Trust Fund for grants awarded under the Florida Recreation Development Assistance Program in s. 375.075, F.S.

- 1.5 percent (\$4.5 million) to each of the following: FDEP for the purchase of inholdings and additions to state parks under the jurisdiction of the Division of Recreation and Parks; the Florida Department of Agriculture and Consumer Services (FDACS) Division of Forestry (DOF) to fund acquisitions and inholdings and additions pursuant to this section, along with reforestation plans or sustainable forestry management; the Florida Fish and Wildlife Conservation Commission (FWC) to fund acquisitions and inholdings and additions to land to further the conservation of fish and wildlife; the Florida Greenways and Trails Program to acquire greenways and trails, including railroad rights-of-way and the Florida National Scenic Trail.

All lands acquired pursuant to this section are to be used for “multiple-use” purposes. “Multiple-use” includes outdoor recreational activities pursuant to s. 253.034 and s. 259.032(9)(b), F.S., water resource development projects and sustainable forestry management. Water resource or water supply projects may be allowed only if the following specified conditions are met: minimum flows and levels (MFLs) have been established for those waters, which may incur significant harm to water resources, the project complies with permitting requirements and the project is consistent with the regional water supply plan. The entity which vests title in the lands may designate the lands as single use.

Funding under the two 35 percent provisions mentioned above, is contingent upon the project contributing to the achievement of certain specified goals. Out of the first 35 percent (\$105 million) funding provision, the Secretary of FDEP is to ensure that each water management district receives the following percentage of funds: 35 percent (\$36.75 million) to the South Florida Water Management District (SFWMD or District); 25 percent to the Southwest Florida Water Management District; 25 percent to the St. John’s River Water Management District; 7.5 percent to the Suwannee River Water Management District; and 7.5 percent to the Northwest Florida Water Management District. An increased priority will be given to such projects that have secured a cost-sharing agreement allocating for the cleanup of point and nonpoint sources of pollution.

According to s. 259.105(3) of the Florida Forever Act, the amount is reduced by the costs of issuing and funding reserve accounts and other expenses associated with bonds. The proceeds of the bonds are to be deposited into the Florida Forever Trust Fund. Based on historical patterns associated with the Preservation 2000 (P2000) Program, costs are estimated to be approximately 10 percent.

Under the second 35 percent funding provision mentioned above, the Acquisition Restoration Council (ARC) accepted applications for eligible project proposals beginning July 1, 2000. Project applications are to contain a minimum of two numeric performance measures that relate directly to overall goals and proof that owners within the acquisition area have been notified of their inclusion in the project. ARC was allowed to use existing rules adopted by the Board of Trustees of the Internal Improvement Trust Fund (TIITF), until amendments to those rules are developed to competitively evaluate, select and rank

projects for Florida Forever funds pursuant to s. 259.105(3)(b). In developing or amending the rules, the council is to give weight to the criteria included in s. 259.105(10). The TIITF are to review the recommendations and adopt rules necessary for the administration of the process. ARC is to review that year's approved project lists and by the first board meeting in May, the council is to submit the lists to the TIITF. ARC is also required to submit to the TIITF, with its project list, a report containing certain specified information regarding each project listed.

The TIITF or water management district may authorize the granting of a lease, easement or license for the use of certain lands. Particular uses are to be reviewed by the appropriate board and shall be compatible with resource values and management objectives for the land.

The Florida Forever Act allows the TIITF to allow lands identified or acquired under the program to be managed by a private entity in accordance with a contractual arrangement with the acquiring agency. Funding for these contracts may only originate from the documentary stamp tax revenues deposited into the Conservation and Recreation Lands (CARL) Trust Fund and the Water Management District Lands Trust Fund.

Save Our Everglades (SOE) Trust Fund

The Save Our Everglades (SOE) Trust Fund is managed by FDEP pursuant to s. 373.472. Funds in the trust fund, which serves as a repository for state, local and federal project contributions, is to be expended to finance the implementation of the comprehensive plan, as defined in s. 373.470(2)(a). For each of the nine consecutive years beginning with fiscal year 2001-2002, \$100 million of state funds are to be deposited into the trust fund (\$25 million of which is committed from the Florida Forever program). The Comprehensive Everglades Restoration Plan (CERP) annual report, submitted jointly by the District and FDEP, describes the funding, expenditures and implementation status of the comprehensive plan.

According to the Everglades Restoration Investment Act (s. 373.470(5)(b)), for each year of the two consecutive years beginning with fiscal year 2000-2001, FDEP is to deposit \$25 million of the funds allocated to the District by FDEP for the purpose of funding Florida Forever projects (s. 259.105(11)) into the SOE Trust Fund.

The Secretary of FDEP is to release monies within thirty days after receipt of a resolution adopted by the District's governing board, which identifies and justifies preacquisition costs necessary for the purchase of any lands listed in the District's 5-year workplan. All funds not used for the purposes in the resolution are to be returned to FDEP. Similarly, the Secretary of FDEP is to release acquisition monies to the District after receipt of a resolution adopted by the governing board.

Comprehensive Everglades Restoration Plan (CERP)

The Central and Southern Florida (C&SF) Project was authorized by Congress in 1948 and modified by subsequent acts to provide flood control, water supply, prevention of saltwater intrusion, and protection of fish and wildlife resources. The design of the project was based on forecasts that significantly underestimated the intensity of land uses and future population growth in Central and South Florida. The demands on the system's flood protection and water supply capabilities are now much greater than initially anticipated. In addition, South Florida's natural systems have been degraded by the intensity of land use and water management practices.

In 1994, a multiagency, multidisciplinary team began to reexamine and determine the feasibility of modifying the C&SF Project to restore the Everglades and the South Florida ecosystem, while providing for the other water-related needs of the region, such as urban and agricultural water supply and flood protection. This process was referred to as the Restudy. In 1999, a comprehensive plan to meet these goals was laid out in the *Central and Southern Florida Project Comprehensive Review Study, Final Integrated Feasibility Report and Programmatic Environmental Impact Statement* (USACE and SFWMD, 1999). The plan was approved with the signing of the Water Resources Development Act of 2000 (WRDA 2000) (Public Law 106-541). WRDA 2000 recognized the comprehensive plan, now referred to as the Comprehensive Everglades Restoration Plan (CERP), as the framework for modifications to the C&SF Project, and requires that implementation be integrated with existing federal and state activities in accordance with WRDA 1996 (Public Law 104-303).

The goals of the CERP are to restore the quantity, quality, timing and distribution of water to the Everglades ecosystem. The CERP includes over 50 projects that involve either structural or operational changes to modify the C&SF Project to achieve these goals. Many projects must be implemented before the hydrologic improvements necessary for ecosystem restoration can begin. The timing and distribution of water by the C&SF Project can be altered only after water storage capacity has been increased, along with any necessary water quality improvements. As each of the components to improve the timing and distribution of water are completed, it is expected that the ecosystem will begin to recover.

It is predicted that native flora and fauna, including threatened and endangered species, will rebound as a result of the restoration of hydrologic conditions. It is also predicted that the frequency of water restrictions for agricultural and urban users will be significantly reduced. The ability to sustain the region's natural resources, economy and quality of life depends, to a great extent, on the success of the efforts to enhance, protect and better manage the region's water resources.

Florida Forever Water Management District Work Plan

The requirements for developing the Florida Forever Water Management District Work Plan are contained in s. 373.199, F.S. This provision states that in order to further

the goals of the Florida Forever Act, the water management districts are to create a five-year plan, which identifies projects that meet certain criteria.

In developing their project lists, each water management district is to integrate its surface water improvement and management plans, Save Our Rivers (SOR) land acquisition lists, stormwater management projects, proposed water resource development projects, proposed water body restoration projects and other properties or activities that would assist in meeting the goals of Florida Forever.

The districts' lists are to include, where applicable, specific information for each project, according to s. 373.199(4),(5), F.S., including: a description of the water body system; an identification of all governmental agencies having jurisdiction over the water body; a description of the land uses within the project area's drainage basin; a description of strategies for restoring the water body; a listing and synopsis of studies; a description of measures needed to maintain the water body once it has been restored; a schedule for restoration; an estimate of the funding needed to carry out the project; numeric performance measures; a discussion of permitting and regulatory issues; an identification of the proposed public access for projects with land acquisition components; an identification of lands requiring a full fee simple interest and an identification of lands necessary to protect or recharge groundwater. The lists are also to indicate the relative significance of each project, the schedule of activities, the sums of monies earmarked and rankings as much as possible over a five-year planning period.

The initial plan was submitted on June 1, 2001 to the President of the Senate, Speaker of the House of Representatives and Secretary of the FDEP. The initial five-year work plan and any subsequent modifications are to be adopted by each water management district after a public hearing, in accordance with s. 373.139(3), F.S. Each district is to provide at least fourteen days advance notice of the hearing date and is to separately notify each county commission, within which, a proposed work plan project, project modification or addition is located of the hearing date.

In the first plan update, due by January 1, 2002, and each year thereafter, the district is to submit a report of acquisitions completed during the year together with modifications or additions to its five-year work plan. The plans are to also include the status of funding, staffing and resource management for every project funded under the Florida Preservation 2000 Act, the Florida Forever Act and the Water Management Lands Trust Fund (s. 259.101, 259.105 and s. 373.59, F.S.), for which the district is responsible. Also included in the report is a description of land management activity for each project owned by the district. These reporting requirements are included in **Appendix C**. The Secretary is to submit this report along with the ARC project list as required under s. 259.105, F.S.

The District's Florida Forever Work Plan is centered on the ten volume, 4,033 page Comprehensive Review Study, as approximately 75 percent of the Florida Forever funding the District will receive in order to accomplish its priority list, has been allocated by the Everglades Restoration Investment Act to implement the Comprehensive Plan. The work plan document is arranged in sections providing detail on each of the regions that

comprise the nearly 18,000 square miles of the study area. The CERP Guidance Memorandum 012.00 defines the following set of regions:

1. Kissimmee River Region
2. Lake Okeechobee Region
3. Lower West Coast Region
4. Upper East Coast Region
5. Everglades Agricultural Area (EAA) Region
6. Everglades, Florida Bay and Keys Region
7. Water Preserve Areas Region
8. North Palm Beach County Region
9. Miami-Dade County Region

Note that the Kissimmee River Region is not a CERP region. It is included here because of the significance of the Kissimmee River Restoration project.

The work plan addresses the information requirements listed in the statute for the District's project list, primarily by study region. The Comprehensive Plan describes this information through applicable subsections described by the following:

1. Physical Condition
2. Existing Conditions
3. Water Quality (future without condition)
4. Physical Facilities and Operations (future without condition)
5. Water Quality Problems and Opportunities
6. Land Use

The work plan briefly describes specific projects that will be eligible for Florida Forever funding in the fiscal year (FY) 2003 – 2007 period. Prior studies, reports and projects, implementation schedule, financial schedule and project descriptions are explained separately.

To put the magnitude of the CERP projects into perspective, **Table 1** summarizes estimated District real estate expenditures for FY 2003 – 2007 based on a real estate acquisition strategy, which was developed to support the CERP implementation schedule. The CERP implementation schedule reflects an annual revision as is called for in the MPMP as of July 2001. Only real estate costs are presented in **Table 1** because, in the 2003 - 2007 time frame, the District anticipates that Save Our Everglades (SOE) Trust Fund resources will be exclusively used to support real estate acquisitions. The estimated total real estate expenditures for this period is \$896.5 million.

Table 1. Estimated Five-Year SFWMD Real Estate Expenditures for Eligible CERP Projects

Project	Cost (FY2003-FY2007)
Acme Basin B	\$4,380,000
Big Cypress/L-28 Modifications	\$447,000
Bird Drive Basin	\$38,675,000
Biscayne Bay Wetlands	\$122,830,000
Broward County Secondary Canals	\$1,920,000
Broward County WPA	\$79,663,000
C-111 Spreader Canal	\$35,667,000
C-43 Reservoir	\$62,100,000
Everglades Agricultural Area Storage Reservoir, Part 2	\$222,000
Florida Keys Tidal Restoration	\$51,000
Indian River Lagoon	\$285,113,000
Lake Okeechobee Watershed	\$133,375,000
LNWR Internal Canal Structures	\$345,000
North Palm Beach County Project, Part 1	\$69,253,000
Site 1 Impoundment	\$85,000
Southern Golden Gate Estates	\$22,800,000
Strazzulla Wetlands	\$6,705,000
Wastewater Reuse Pilot	\$1,600,000
WCA 3 Decompartmentalization, Part 1	\$18,164,000
WPA Conveyance	\$13,174,000
TOTAL	\$896,569,000

The \$25 million annual contribution of Florida Forever funds, while a significant contribution, will not be largest source of funds to support CERP. \$75 million of general revenue funds will also go to the SOE Trust Fund. District ad valorem funds of \$75 million are the next largest contribution. These funds will support both real estate and nonreal estate funding obligations. Other funding sources will mostly or exclusively support real estate acquisition. These include special state appropriations, CARL funds and credits for lands owned by or purchased utilizing local government funds.

Additionally, projects eligible for Florida Forever funding in fiscal year 2003 are each explained in a manner that addresses the elements listed in s. 373.199(4),(5), F.S. These nine projects are presented in the financial schedule (**Table 2**). Project plans for all projects to be eligible for funding in the period 2003 through 2007 are included in Appendix B of this document.

The distribution of Florida Forever funds to CERP projects has not been specified in **Table 2** because Florida Forever represents only about 14 percent (\$125 million of \$896.5 million) of planned real estate expenditures.

Table 2. Five-Year Florida Forever Water Management District Work Plan Expenditures Schedule

**Florida Forever Water Management District Work Plan
Fiscal Years 2003
South Florida Water Management District**

Project Title	2003	2003 - 2007
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Comprehensive Everglades Restoration Plan Projects

Upper East Coast Region

Indian River Lagoon Project

Everglades, Florida Bay, Florida Keys Region

WCA-3 Decompartmentalization, Part 1 Project

Water Preserve Areas Region

Acme Basin B Project

Broward County WPA Project

Strazzulla Wetlands Project

North Palm Beach County Region

North Palm Beach County Project, Part 1

Lower West Coast Region

C-43 Basin Reservoir Project

Miami-Dade County Region

Bird Drive Basin Project

Biscayne Bay Coastal Wetlands Project

Priority 1 - CERP Totals	\$25,000,000	\$125,000,000
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Water Body Restoration Projects

Kissimmee River & Lake Okeechobee Region

Kissimmee River Restoration	\$8,075,000	\$40,375,000
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Priority 2 - Restoration Totals	\$8,075,000	\$40,375,000
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FLORIDA FOREVER TOTALS	\$33,075,000	\$165,375,000
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FLORIDA FOREVER PERFORMANCE MEASURES

The water management districts were mandated with jointly providing a report by December 15, 2000 to the Secretary of the FDEP, which established goals and performance measures that were to be used to analyze activities under s. 259.105(3)(a). In accordance with s. 373.1995, F.S., the Secretary forwarded the report for approval to the Board of Trustees of the Internal Improvement Trust Fund (TIITF), the President of the Senate and the Speaker of the House, prior to the beginning of the 2001 regular legislative session. The legislature had the opportunity to reject, modify or take no action regarding the goals and performance measures established by the report. If no action was taken, the goals and performance measures reflected in the report were to be implemented. On December 1, 2000, the districts jointly submitted their Florida Forever Goals and Performance Measures to Secretary Struhs. The goals and performance measures were developed in collaboration with the Florida Forever Advisory Council (FFAC).

The 1999 legislature created the FFAC. The council is composed of seven citizens appointed by the Governor and two ad hoc members of the legislature. Pursuant to s. 259.0345(7), the FFAC submitted a report which was similar to the requirements of the water management districts' report, but was limited in respect to the funding provided under s. 259.105(3)(b), which comprises the 35 percent of each bond issue provided to FDEP for its primary acquisition program.

In the report, the FFAC has grouped the 19 statutory goals into seven objectives and has created one new objective, i.e., Increase the Amount of Open Space Available in Urban Areas. For each objective, several performance measures have been created. The objectives and performance measures were reviewed and discussed by the Senate Natural Resources Committee. The members took no action to revise or reject the FFAC's recommendations.

Although the recommended objectives are very similar to the goals set out in s. 259.105(4), the recommended performance measures differ substantially from the statutory performance measures. Pursuant to s. 259.0345(7), if the legislature fails to take action regarding the FFAC's recommendations, they shall be implemented. In the event that takes place, there would be confusion as to which goals/objectives and performance measures would govern the majority of the program. Accordingly, the FFAC's recommendations are implemented in Senate Bill (S.B.) 1468 of the 2001 legislature, which also repeals the existing goals and performance measures. It should be noted that the FFAC's recommendations, if not altered by the legislature, become effective, but only to guide the FDEP's primary acquisition program. However, if enacted in the Florida Statutes - as was the case, the goals and performance measures apply to both the FDEP and water management districts. The goals and performance measures are included in **Appendix A**.

PROJECT RANKINGS, SCHEDULE AND RESOURCES

Funding and Manpower Resources

The cost to implement the current schedule falls within the revenues expected under the Comprehensive Plan funding legislation adopted by the legislature. This legislation proposes specific amounts from a variety of sources to fund the plan. The USACE funding for implementing the plan will be obtained through the federal budgeting and appropriations process on an annual basis and will be coordinated with what is being made available in Florida. It is anticipated that adequate manpower resources, both at the USACE and the SFWMD, will be available at planned funding levels.

Implementation Schedule

The Comprehensive Plan is conceptual in nature, consequently any schedule that is developed from that plan will also be conceptual. When the Comprehensive Plan was sent to Congress in 1999 it contained an implementation schedule that was, at the time, the best professional judgement of the Implementation Plan Team as to how the plan could be implemented. In 2000, the Implementation Plan Team began to revise the schedule to take into account new information regarding the projects, the available funding and the nature of the SFWMD-USACE working relationship.

The Implementation Plan Team released a revised implementation schedule in July of 2001 known as UPDATE 1.0. UPDATE 1.0 of the Implementation Schedule as depicted in **Appendix D** can best be thought of as a master sequencing of the projects. Currently, the Implementation Plan Team is looking at the schedule once again, and is expected to release a version known as UPDATE 2.0 early in 2003. Changes that are likely to affect the schedule may include, but are not limited to, changes in funding levels, changes in performance targets for some projects and changes in planned locations for some projects. The schedule will be continually monitored to ensure that the proposed dates are both realistic and are being achieved.